



INFORMATION DISCLOSURE STATEMENT

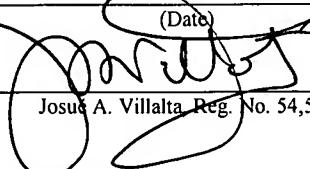
Applicant : Shluzas et al.
 App. No : 10/658,736
 Filed : September 9, 2003
 For : METHODS AND APPARATUSES
 FOR TREATING THE SPINE
 THROUGH AN ACCESS DEVICE
 Examiner : Nicholas W. Woodall
 Art Unit : 3733
 Confirmation No. : 3377

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

2/28/07

(Date)



Josue A. Villalta Reg. No. 54,511

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is an Information Disclosure Statement by Applicants (PTO/SB/08 equivalent) listing 267 references to be considered by the Examiner. Also enclosed are 69 foreign patent references and/or non-patent literature as listed on the Information Disclosure Statement.

Reference numbers 183-198 identify several co-pending applications assigned to the assignee of this application. Applicants direct the Examiner to these applications to consider whether the subject matter claimed, now or as may be amended in the future, as well as the associated prosecution history, now or in the future, may be relevant to the patentability of the present application (e.g., for reasons of obviousness-type double patenting). Applicants believe that the Examiner has access to the applications and associated file histories through the Patent Office (e.g., the IFW system). Accordingly, Applicants have not provided copies of these applications or their associated file histories, but would be happy to do so, now or in the future,

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should the Examiner so request. Copies of the references are not submitted pursuant to 37 C.F.R. § 1.98(d).

Applicants note that many references listed in the Information Disclosure Statement were cited in U.S. Application Serial No. 10/734,161 (“the ’161 application”), filed December 15, 2003. The Applicants of the ’161 application have requested that the United States Patent and Trademark Office (“USPTO”) declare an interference between the ’161 application and U.S. Patent Nos. 6,530,926 and 7,056,321, which are parent cases of the above-identified application. The Applicants of the ’161 application have also requested that the proposed interference include the above-identified application. The ’161 application and the Request for Declaration of Interference are cited on the enclosed Information Disclosure Statement as Reference Nos. 182 and 265.

Notwithstanding the length of the list of references submitted, the Applicants respectfully submit that they are not attempting to cloak any particular reference(s), and the submission of the references is made solely in an attempt to comply with the duty of candor and to place before the examining office all references that may be considered material by an Examiner. The length of the Statement is due in part to Applicants’ desire to cite all art that was made of record by the party in the ’161 application, who is seeking to provoke an interference with parent cases of the present application.

Nevertheless, in an attempt to facilitate the examining process, the Applicants would like to call the Examiner’s attention to the following references: U.S. Patent No. 6,187,000, U.S. Patent No. 5,171,279, U.S. Patent No. 6,306,170, European Publication No. EP 0 807 415 and Australian Publication No. AU 13672/95. However, Applicants do not warrant that there are not references that are contained within the Information Disclosure Statements that are more relevant, for Applicants have not conducted an analysis to determine the relative import of the various references.

This Information Disclosure Statement is being filed before the mailing date of a final action and before the mailing of a Notice of Allowance. This Statement is accompanied by the fees set forth in 37 C.F.R. § 1.17(p).

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410.

Appl. No. : 10/689,487
Filed : October 20, 2003

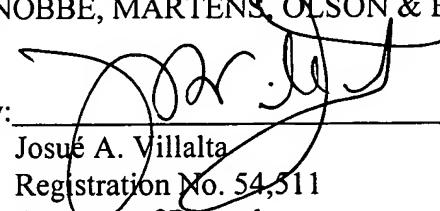
Docket No. ENDIUS.26CP1C2
Customer No. 20,995

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/27/07

By:


Josue A. Villalta
Registration No. 54,511
Attorney of Record
Customer No. 20,995
(951) 781-9231

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application No.	10/658,736
		Filing Date	September 9, 2003
		First Named Inventor	Alan E. Shluzas
		Art Unit	3733
(Multiple sheets used when necessary)		Examiner	Nicholas W. Woodall
MAR 12 2007 SHEET 1 OF 11		Attorney Docket No.	ENDIUS.26CPCP2

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	465,161	12/1891	Chase	
	2	2,235,979	3/1/41	Brown	
	3	2,255,657	9/1/41	Freedman	
	4	2,482,116	9/1/49	Lanahan	
	5	2,575,253	11/1/51	Bicek	
	6	2,594,086	4/22/52	Smith et al.	
	7	2,666,428	1/1/54	Glenner	
	8	2,756,742	7/1/56	Barton	
	9	2,829,649	4/1/58	Glenner	
	10	2,886,004	5/1/59	Morrison	
	11	3,486,505	12/1/69	Morrison	
	12	3,570,498	3/1/71	Weighton	
	13	3,592,199	7/13/71	Ostensen	
	14	3,626,471	12/1/71	Florin	
	15	3,651,800	3/1/72	Wilbanks	
	16	3,788,318	1/29/74	Kim et al.	
	17	3,875,595	4/8/75	Froning	
	18	3,941,127	3/1/77	Froning	
	19	3,964,480	6/1/76	Froning	
	20	4,049,000	9/1/77	Williams	
	21	4,232,660	11/1/80	Coles	
	22	4,254,763	3/10/81	McCready et al.	
	23	4,344,419	8/1/82	Burgin	
	24	4,350,151	9/1/82	Scott	
	25	4,421,108	12/20/83	Cabrera et al.	
	26	4,449,532	5/22/84	Storz	
	27	4,461,281	7/1/84	Carson	
	28	4,498,902	2/1/85	Ash et al.	
	29	4,538,594	9/1/85	Boebel et al.	

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SHEET 2 OF 11		Attorney Docket No.	ENDIUS.26CPCP2

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	4,562,832	1/1/86	Wilder et al.	
	31	4,573,448	3/1/86	Kambin	
	32	4,573,454	3/1/86	Hoffman	
	33	4,586,491	5/1/86	Carpenter	
	34	4,617,929	10/1/86	Gill et al.	
	35	4,638,799	1/27/87	Moore	
	36	4,655,216	4/1/87	Ticher	
	37	4,674,501	6/1/87	Greenberg	
	38	4,678,459	7/1/87	Onik et al.	
	39	4,696,544	9/1/87	Costella	
	40	4,700,694	10/1/87	Shishido	
	41	4,736,738	4/1/88	Lipovsek et al.	
	42	4,750,475	6/1/88	Zanetti	
	43	4,750,487	6/14/88	Okutsu	
	44	4,762,120	8/1/88	Hussein	
	45	4,834,757	5/30/89	Brantigan	
	46	4,834,757	5/30/89	Brantigan	
	47	4,850,342	7/25/89	Hashiguchi et al.	
	48	4,862,891	9/1/89	Smith et al.	
	49	4,874,897	10/1/89	Lee	
	50	4,878,915	11/7/89	Brantigan	
	51	4,904,261	2/27/90	Dove et al.	
	52	4,905,082	2/1/90	Nishigaki et al.	
	53	4,947,896	8/1/90	Bartlett	
	54	4,972,827	11/1/90	Kishi et al.	
	55	5,004,457	4/1/91	Wyatt et al.	
	56	5,015,247	5/14/91	Michelson	
	57	5,020,514	6/4/91	Heckele	
	58	5,071,410	12/1/91	Pazekk	

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	59	5,108,420	4/28/92	Marks	
	60	5,112,354	5/12/92	Sires	
	61	5,125,396	6/1/92	Ray	
	62	5,139,487	8/1/92	Barber	
	63	5,139,511	8/1/92	Gill et al.	
	64	5,158,543	10/1/92	Lazarus	
	65	5,195,507	3/1/93	Bilweis	
	66	5,201,729	4/1/93	Hertzmann et al.	
	67	5,225,001	7/6/93	Manni et al.	
	68	5,242,444	9/1/93	MacMillan	
	69	5,279,564	1/8/94	Taylor et al.	
	70	5,313,962	5/24/94	Obenchain	
	71	5,334,150	8/1/94	Kaali	
	72	5,339,802	8/1/94	Cook	
	73	5,339,803	8/1/94	Mayzels et al.	
	74	5,346,504	9/13/94	Ortiz et al.	
	75	5,353,784	10/1/94	Nady-Mohamed	
	76	5,357,983	10/1/94	Mathews	
	77	5,359,995	11/1/94	Sewell, Jr.	
	78	5,360,431	11/1/94	Puno et al.	
	79	5,364,395	11/1/95	West, Jr.	
	80	5,376,076	12/1/94	Kaali	
	81	5,380,291	12/1/95	Kaali	
	82	5,392,766	2/1/95	Masterson et al.	
	83	5,396,880	3/1/95	Kagan et al.	
	84	5,437,637	8/1/95	Lieber et al.	
	85	5,439,449	8/1/95	Mapes et al.	
	86	5,441,041	8/1/95	Sauer et al.	
	87	5,441,042	8/15/95	Putman	

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SHEET 4 OF 11		Attorney Docket No.	ENDIUS.26CPCP2

U.S. PATENT DOCUMENTS					
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	88	5,443,058	8/1/95	Ough	
	89	5,443,514	8/22/95	Steffee	
	90	5,445,142	8/1/95	Hassler, Jr.	
	91	5,480,440	1/2/96	Kambin	
	92	5,503,617	4/2/96	Jako	
	93	5,512,034	4/1/96	Finn et al.	
	94	5,534,009	7/1/96	Lander	
	95	5,549,595	8/1/96	Freitas	
	96	5,551,947	9/1/96	Kaali	
	97	5,556,371	9/1/96	Kaali	
	98	5,562,696	10/1/96	Nobles et al.	
	99	5,562,736	10/8/96	Dickhudt et al.	
	100	5,569,205	10/1/96	Hart et al.	
	101	5,569,248	10/1/96	Mathews	
	102	5,573,517	11/12/96	Bonutti et al.	
	103	5,588,949	12/31/96	Taylor et al.	
	104	5,603,688	2/1/97	Upsher	
	105	5,613,937	3/1/97	Garrison et al.	
	106	5,642,442	4/29/97	Merlinger et al.	
	107	5,643,282	7/10/97	Kieturakis	
	108	5,667,472	9/1/97	Finn et al.	
	109	5,667,473	9/1/97	Finn et al.	
	110	5,667,478	9/1/97	McFarlin et al.	
	111	5,674,295	10/7/97	Ray et al.	
	112	5,695,448	12/9/97	Kimura et al.	
	113	5,702,454	12/30/97	Baumgartner	
	114	5,728,046	3/1/98	Mayer et al.	
	115	5,730,754	3/1/98	Obenchain	
	116	5,735,792	4/1/98	Vanden Hoek et al.	

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	117	5,762,629	6/9/98	Kambin	
	118	5,772,661	6/1/98	Michelson	
	119	5,782,919	7/21/98	Zdeblick et al.	
	120	5,810,809	9/1/98	Rydell	
	121	5,813,978	9/29/98	Jako	
	122	5,814,084	9/29/98	Grivas et al.	
	123	5,823,947	10/1/98	Yoon et al.	
	124	5,824,093	10/20/98	Ray et al.	
	125	5,857,999	1/12/99	Quick et al.	
	126	5,865,728	2/1/99	Moll et al.	
	127	5,865,802	2/2/99	Yoon et al.	
	128	5,921,917	7/1/99	Barthel et al.	
	129	5,928,137	7/1/99	Green	
	130	5,997,471	12/1/99	Gumb et al.	
	131	6,004,320	12/1/99	Casscells et al.	
	132	6,007,487	12/1/99	Foley et al.	
	133	6,007,533	12/1/99	Casscells et al.	
	134	6,022,376	2/8/00	Assell et al.	
	135	6,074,380	6/1/00	Byme et al.	
	136	6,096,081	8/1/00	Grivas et al.	
	137	6,120,434	9/1/00	Kimura et al.	
	138	6,132,465	10/17/00	Ray et al.	
	139	6,142,931	11/1/00	Kaji	
	140	6,152,871	11/28/00	Foley et al.	
	141	6,162,170	12/1/00	Foley et al.	
	142	6,175,758	1/1/01	Kambin	
	143	6,176,823	1/1/01	Foley et al.	
	144	6,206,822	3/1/01	Foley et al.	
	145	6,214,001	4/1/01	Casscells et al.	

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	146	6,217,509	4/1/01	Foley et al.	
	147	6,221,082	4/24/01	Marino et al.	
	148	6,258,024	7/1/01	van Der Weegen	
	149	6,261,586	7/17/01	McCay	
	150	6,270,498	8/1/01	Michelson	
	151	6,325,812	12/1/01	Dubrul et al.	
	152	6,387,130	5/14/02	Stone et al.	
	153	6,425,859	7/30/02	Foley et al.	
	154	6,485,518	11/1/02	Cornwall et al.	
	155	6,508,839	1/21/03	Lambrecht et al.	
	156	6,520,907	2/18/03	Foley et al.	
	157	6,520,926	3/1/03	Davison	
	158	6,530,929	3/11/03	Justis et al.	
	159	6,530,930	3/11/03	Marino et al.	
	160	6,575,899	6/10/03	Foley et al.	
	161	6,602,291	8/5/03	Ray et al.	
	162	6,610,094	8/26/03	Husson	
	163	6,648,888	11/1/03	Shluzas	
	164	6,652,553	11/25/03	Davison et al.	
	165	6,679,833	1/20/04	Smith et al.	
	166	6,800,084	10/5/04	Davison et al.	
	167	6,811,558	11/2/04	Davison et al.	
	168	6,821,243	11/23/04	Pagliuca et al.	
	169	6,837,891	1/4/05	Davison et al.	
	170	7,001,397	2/21/06	Davison	
	171	7,033,369	4/25/06	Davison et al.	
	172	7,056,321	6/6/06	Pagliuca, et al.	
	173	7,108,705	9/19/06	Davison et al.	
	174	2002/0022764 A1	02/21/02	Smith et al.	

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	175	2002/0065560 A1	05/30/02	Varga et. al.	
	176	2002/0143235 A1	10/03/02	Pagliuca	
	177	2003/0153911 A1	8/1/03	Shluzas	
	178	2003/0167058 A1	9/1/03	Shluzas	
	179	2003/0208203 A1	11/6/03	Lim et al.	
	180	2003/0236529 A1	12/1/03	Shluzas et al.	
	181	2004/0059339 A1	03/25/04	Roehm, III et al.	
	182	2004/0176763 A1	9/9/04	Foley et al.	
	183	U.S. App. No. 10/440,231 U.S. Pub. No. 2003-0195550	Filed 05/16/2003 Pub.: 10/16/2003	Davison et al.	
	184	U.S. App. No. 10/441,319 U.S. Pub. No. 2003-0195551	Filed 05/16/2003 Pub.: 10/16/2003	Davison et al.	
	185	U.S. App. No. 10/514,797 U.S. Pub. No. 2006-0089662	Filed 7/31/2001 Pub. 4/27/2006	Davison et al.	
	186	U.S. App. No. 10/658,736 U.S. Pub. No. 2004-0133201	Filed 9/9/2003 Pub. 7/8/2004	Shluzas et al.	
	187	U.S. App. No. 10/665,754 U.S. Pub. No. 2004-0116954	Filed 9/19/2003 Pub. 6/17/2004	Davison et al.	
	188	U.S. App. No. 10/685,761 U.S. Pub. No. 2004-0078051	Filed 10/15/2003 Pub. 4/22/2004	Davison et al.	
	189	U.S. App. No. 10/686,154 U.S. Pub. No. 2004-0236317	Filed 10/15/2003 Pub. 11/25/2004	Davison	
	190	U.S. App. No. 10/713,820 U.S. Pub. No. 2004-0098012	Filed 11/14/2003 Pub. 5/20/2004	Davison et al.	
	191	U.S. App. No. 10/912,453 U.S. Pub. No. 2005-0033297	Filed 8/5/2004 Pub. 2/10/2005	Davison	
	192	U.S. App. No. 10/916,871 U.S. Pub. No. 2005-0021030	Filed 8/12/2004 Pub. 1/27/2005	Pagliuca et al.	
	193	U.S. App. No. 10/941,697 U.S. Pub. No. 2005-0113833	Filed 9/14/2004 Pub. 5/26/2005	Davison	
	194	U.S. App. No. 10/958,505 U.S. Pub. No. 2005-0043754	Filed 10/5/2004 Pub. 2/24/2005	Davison et al.	
	195	U.S. App. No. 11/417,616	Filed 5/3/2006	Davison et al.	
	196	U.S. App. No. 11/417,646	Filed 5/3/2006	Davison et al.	
	197	U.S. App. No. 11/417,653	Filed 5/3/2006	Davison et al.	

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SHEET 8 OF 11		Attorney Docket No.	ENDIUS.26CPCP2

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number <i>Number - Kind Code (if known)</i> Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	198	U.S. App. No. 11/417,659	Filed 5/3/2006	Davison et al.	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application No.	10/658,736
		Filing Date	September 9, 2003
		First Named Inventor	Alan E. Shluzas
		Art Unit	3733
(Multiple sheets used when necessary)		Examiner	Nicholas W. Woodall
SHEET 9 OF 11		Attorney Docket No.	ENDIUS.26CPCP2

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